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Attorneys for Plaintiff James Bird

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JAMES BIRD,

Plaintiff,

v.

KEEFE KAPLAN MARITIME, INC.; AND ERIC  
KOSTER, D/B/A J&H MARINE, A SOLE  
PROPRIETORSHIP,

Defendants.

No. 3:14-cv-03277-MEJ

**JOINT SUPPLEMENTAL BRIEF  
RE: MOTION TO COMPEL JOINDER**

**AND MOTION TO CONTINUE**

**AND ORDER GRANTING  
CONTINUANCE**

**I. INTRODUCTION**

On January 29, 2015, the Court ordered the parties to confer and file a joint report on the identity and citizenship of all Underwriters and Names at Lloyd's of London Subscribing through Premier Marine Insurance Group (USA) ("Underwriters")—Plaintiff's insurers—to determine whether joining the Underwriters as parties to this lawsuit would destroy the Court's diversity jurisdiction. Dkt. 25. Underwriters' counsel identified today that two Underwriters were California residents during the relevant policy period.

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**JOINT SUPPLEMENTAL  
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AND ORDER**

1 Plaintiff conferred with counsel for Keefe Kaplan Maritime, Inc.'s ("KKMI"), and we jointly  
2 request in the Court permit an additional time to prepare a joint report so that the parties are able to  
3 research the applicable time period to measure the Underwriters' residency for determining whether  
4 diversity exists.

## 5 II. FACTUAL STATEMENT

6 On Monday, February 9, 2015, Plaintiff's counsel and counsel for KKMI conferred via telephone  
7 regarding the status and procedure to obtain the information requested by the Court. The parties  
8 discussed that Premier's counsel, Christopher Nicoll, is the best resource to determine the identities and  
9 citizenships of each Underwriter. At that time, Plaintiff's counsel had already contacted Mr. Nicoll to  
10 obtain the requested information. Today Mr. Nicoll provided a declaration regarding his progress. It is  
11 filed contemporaneously with this brief. Mr. Nicoll believes that no Underwriters reside in California as  
12 of today's date. Declaration of Christopher Nicoll ¶ 5. We do know, however, that two of the  
13 Underwriters were residents of California during the applicable policy period. *Id.*

## 14 III. MOTION TO CONTINUE

15 Because Plaintiff received Mr. Nicoll's declaration today, the same date the Court requested a  
16 joint report from counsel, the parties have been unable to fully research the proper time period when  
17 diversity is established for jurisdictional purposes.

18 The parties request that the Court permit the parties to provide a joint report or additional  
19 briefing no later than February 19, 2015, so that the parties have time to research and provide  
20 supplemental briefing regarding the applicable time period in which diversity is established for  
21 jurisdictional purposes.

DATED this 12th day of February, 2015.

KELLER ROHRBACK L.L.P.

By /s/ Kathryn M. Knudsen

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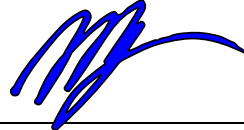
Attorney for Defendant Keefe Kaplan Maritime, Inc.

**IV. ORDER**

Good cause appearing, the parties' time in which to file a joint report or supplemental briefing pursuant to the Court's January 29, 2015 Order (Docket No. 25) is extended up to and including February 19, 2015.

**IT IS SO ORDERED.**

Dated this 17 day of February, 2015.



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MARIA-ELENA JAMES  
United States Magistrate Judge

The parties are admonished that in the future if such a request is needed that they should file a separate request and proposed order and not include it in a brief and should be reminded of sending such a request in a more timely manner. The motion remains on calendar for March 5, 2015 at 10:00 a.m.

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record and provide service via electronic mail or U.S. Mail to:

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